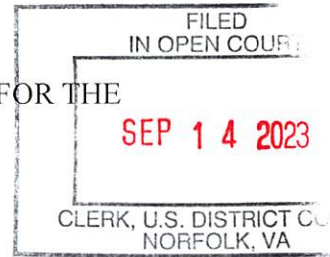


IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION



UNITED STATES OF AMERICA

v.

Case No. 2:23-cr-104

JOHN PATRICK GORDON DANE,

Defendant.

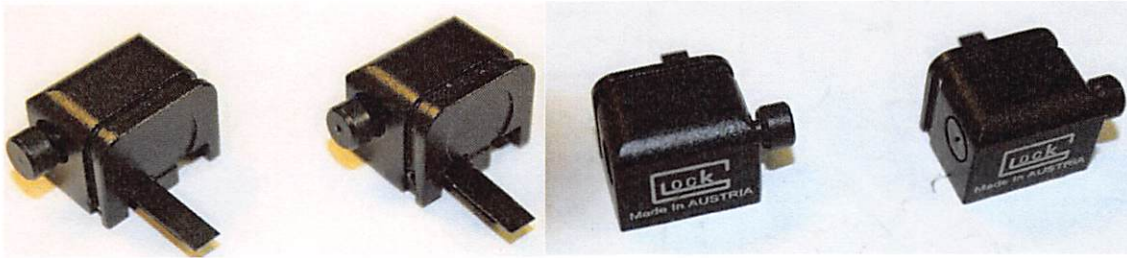
STATEMENT OF FACTS

The United States and the Defendant, John Patrick Gordon Dane (“the Defendant”), agree that at trial, the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

1. From at least in or about December 2022 to on or about January 10, 2023, in the Eastern District of Virginia and elsewhere, the Defendant did knowingly and unlawfully engage in the smuggling of firearm silencer without a license into the United States, possessed illegal machineguns, possessed a firearm as a felon, and was illegally transporting machineguns.

2. On December 15, 2022, while undercover, a Bureau of Alcohol, Tobacco, Firearm and Explosive (“ATF”) Special Agent and a Virginia Beach Police Department (“VBPD”) Detective met with a co-conspirator (“CC”) at a bar called “Mel’s Place” located in the City of Virginia Beach. During this meeting, the undercover agents (“UCs”) purchased two Glock Switches from the CC for \$1,000. The two pictures below depict the two Glock Switches sold to the UCs by the CC.

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3. A “Glock Switch” is a device that attaches to a Glock firearm, which converts the semiautomatic Glock firearm into an automatic firearm. A Glock switch qualifies as a “machinegun” under § 26 U.S.C. 5845(b) because the device causes the firearm to expel more than one projectile with the single pull of the trigger. Furthermore, a Glock Switch qualifies as both a firearm and a machinegun, even without it being affixed to a Glock firearm.

4. On January 4, 2023, ATF and VBPD executed a search warrant on CC’s residence. CC was advised of his *Miranda* rights and agreed to speak with agents.

5. CC told agents that the two Glock Switches he sold to the UCs were provided to CC by the Defendant. CC gave the Defendant \$600 for the two Glock Switches.

6. CC stated that the Defendant had a detached structure in his backyard where the Defendant stored a variety of firearms. Agents reviewed text messages on CC’s phone between CC and the Defendant. The Defendant sent photos of firearms for sale to CC. Some photos depicted a wall with multiple firearms mounted on it. Another photo showed multiple homemade firearms on a table. Many of the firearms were “Ghost Guns,” meaning they had no serial number. CC said the photos are from the inside of the detached structure at the Defendant’s residence. CC described this structure as a detached shed.

7. In 2012, the Defendant was convicted of felony distribution of marijuana, a crime punishable by imprisonment for a term exceeding one year. In 2013, the Defendant was convicted

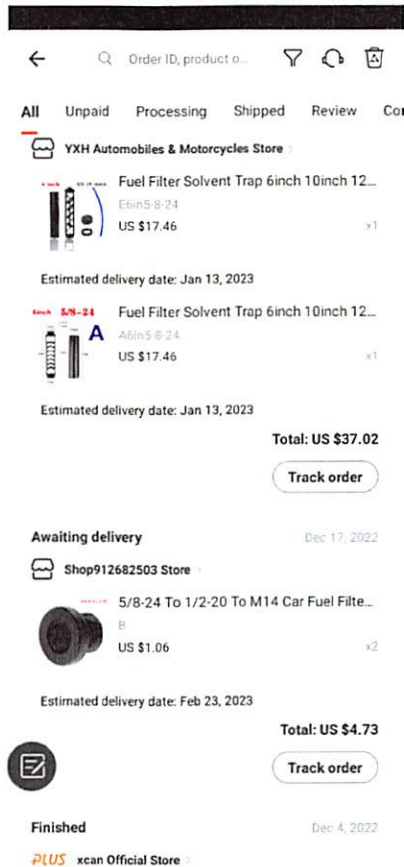
of his subsequent probation violation. Because of these convictions, the Defendant was prohibited from possessing firearms.

8. On January 4, 2023, Homeland Security Investigations was also investigating the Defendant. Customs and Border Patrol had intercepted a package entering the United States addressed to the Defendant: “John DANE at 11XX Taylor Road, Virginia Beach, Virginia 23464.” The package contained “firearm silencers” as defined in 18 U.S.C. § 921(a)(25)—a device for silencing, muffling, or diminishing the report of a portable firearm. A “firearm silencer,” is a “firearm” as defined in 18 U.S.C. § 921(a)(3)(C).



9. The service shipment ID and Bill of Lading confirm this package was shipped from the People’s Republic of China (“PRC”) and the manifest indicated that it was an “adapter.” A subsequent search of the Defendant’s phone revealed that the Defendant paid \$17.46 for each silencer and that the silencers were marketed and labeled as “Fuel Filter Solvent Trap.”



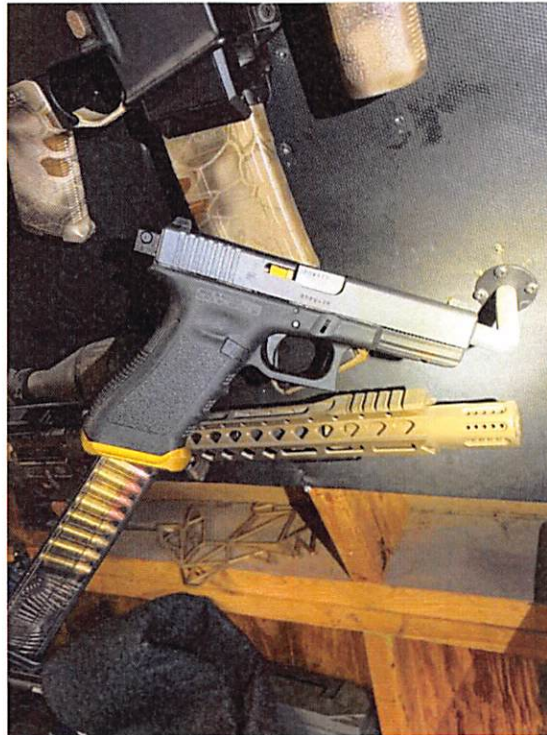


10. Firearm silencers and Glock Switches can be purchased through black market websites linked to the PRC. Sometimes these items are disguised as other items to avoid detection by U.S. Customs. It is common for criminals to use these websites to obtain these items which would otherwise be more difficult to purchase within the United States. Additionally, criminals who intend to distribute illegal firearms will often seek items through these websites as they are cheaper than seeking these items within the United States.

11. On January 10, 2023, the ATF executed a search warrant on the Defendant's residence in Virginia Beach, in the Eastern District of Virginia. Upon execution, Special Agents located the Defendant in a shed in the backyard of the residence. Inside the shed were 17 firearms, including two Glock Switches, or firearm lower receivers. Of those, nine were fully assembled

firearms that were shot by the ATF. All the firearms recovered with serial numbers were manufactured outside the Commonwealth of Virginia. Some of the firearms were “Ghost Guns.”

12. One firearm, a Glock Model 17, 9-millimeter semiautomatic firearm was manufactured in Austria and imported into the United States through Georgia. This firearm had a Glock Switch affixed to the slide and was loaded with a large capacity magazine.



13. There were two Glock Switches in the shed. One attached to the Glock Model 17, and another attached to the slide of another firearm. The switches were sent to the ATF Technical Examination Division for analysis. They were determined to be “machineguns” as defined in 18 U.S.C. § 921(a)(24) and 26 U.S.C. § 5845(b).

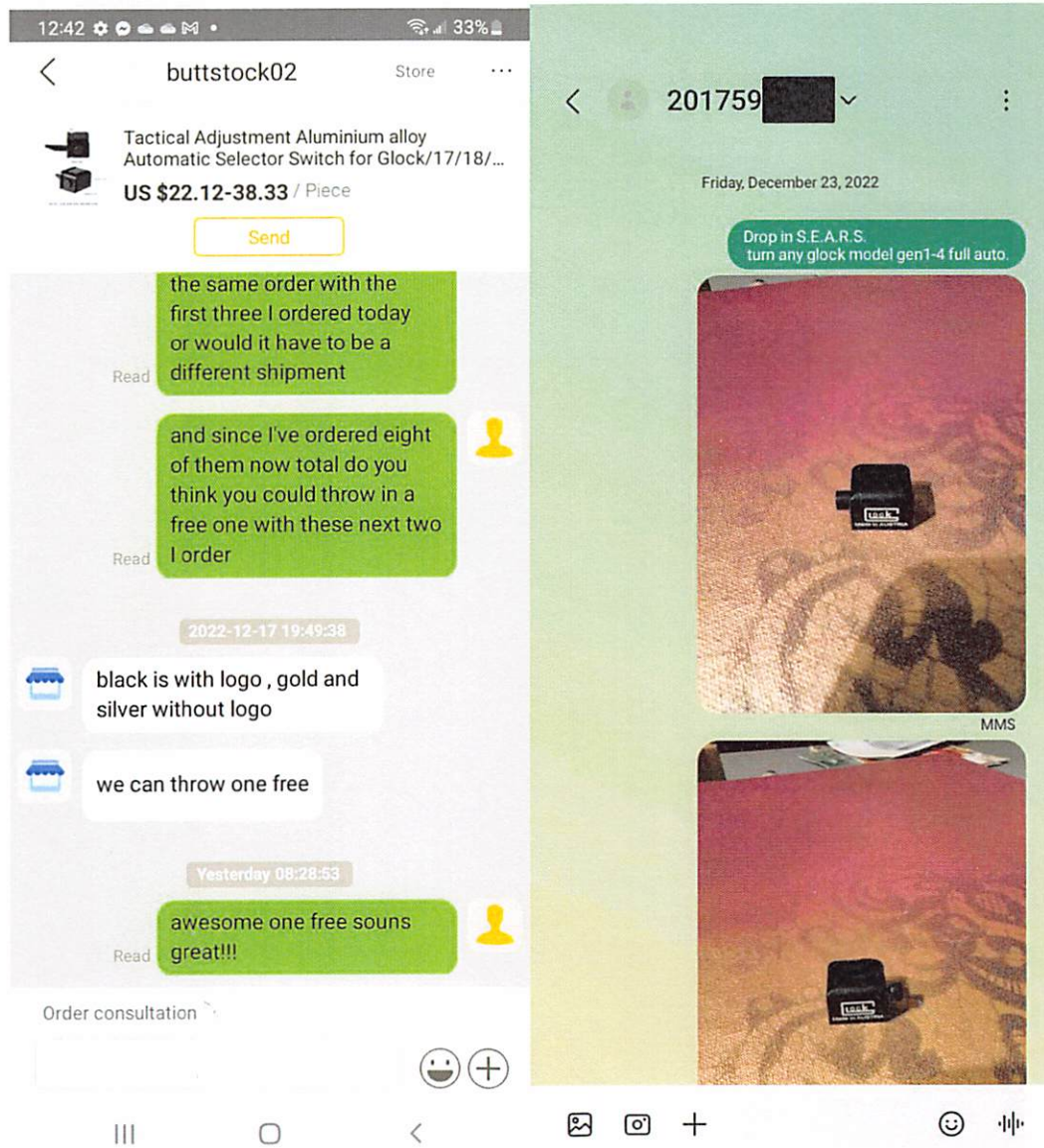
14. After being advised of his *Miranda* rights, the Defendant waived his rights and agreed to speak with the Special Agents. The defendant admitted that he has been ordering Glock Switches and silencers online and selling them for a profit. The defendant admitted he knew the point of origin for the Glock Switches and silencers was from outside the United States because

he acknowledged the items would travel through U.S. Customs. He admitted that some of the packages he ordered had “Chinese writing” on the outside of the shipping package. He admitted he used Facebook Marketplace to advertise and arrange the sale of the firearms, firearm parts, machineguns, and silencers. He admitted he knew he was a felon and was not permitted to possess firearms.

15. The defendant was not a licensed dealer, importer, manufacturer, or collector of firearms within the meaning of Chapter 44, Title 18, United States Code. And he was transporting the machineguns without the specific authorization of the Attorney General.

16. The defendant’s phone was seized and searched pursuant to a search warrant executed on January 10, 2023. The defendant’s phone contained messages from him regarding the selling of firearms, firearm parts, machineguns, and silencers. The phone contained screenshots of the applications used to purchase the machineguns and silencers. Messages the Defendant sent to potential purchasers confirm the Defendant knew the Glock Switches would turn a firearm into a machinegun. The left image below depicts a conversation between the Defendant and his source of supply for the Glock Switches. The right image below depicts messages from the Defendant to a potential purchaser.





17. The defendant used the applications on his phone to purchase silencers and machineguns from the PRC multiple times from in or about December 2022 through on or about January 10, 2023. The description of the silencers and machineguns on the applications typically did not accurately describe the actual item being ordered. The defendant knew the written description of the item was not consistent with the actual items being ordered.

18. This statement of facts includes those facts necessary to support the plea agreement between the Defendant and the United States. It does not include each and every fact known to the Defendant or to the United States, and it is not intended to be a full enumeration of all the facts surrounding the Defendant's case.

19. The actions of the Defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

Respectfully submitted,

Jessica D. Aber  
United States Attorney


By: \_\_\_\_\_

  
Graham M. Stolle  
Special Assistant United States Attorney

JPD  
KLK  
GMS



After consulting with my attorney and pursuant to the plea agreement entered this day between the Defendant, John Patrick Gordon Dane, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

  
\_\_\_\_\_  
John Patrick Gordon Dane  
Defendant

I am the Defendant's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

  
\_\_\_\_\_  
Keith Kimball, Esq.  
Counsel for the Defendant

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